

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO.: 5:14-CV-6**

**UNUM LIFE INSURANCE COMPANY
OF AMERICA,**

Plaintiff,

v.

**CHARLOTTE HURLEY AND TIMOTHY B. JOINES,
AS PERSONAL REPRESENTATIVES OF THE ESTATE
OF KELLY PRUITT, AND JASON PARDUE,**

Defendants.

JUDGMENT

This is an interpleader filed by Plaintiff Unum Life Insurance Company of America (“Unum”) to determine entitlement to benefits under its group insurance policies issued to Tyson Foods, Inc., providing life and accidental death coverage for its employee Kelly Pruitt. The defendants are the named beneficiary Jason Pardue, Charlotte Hurley, administrator of the Kentucky estate of Kelly Pruitt, and Timothy B. Joines, administrator of the North Carolina estate of Kelly Pruitt.

This matter is before the Court on Unum’s Motion for Default Judgment against Ms. Hurley and Mr. Pardue, for its dismissal, and for an award of its fees and costs, filed on April 24, 2014. (Doc. 11.) On April 14, 2014, the Clerk entered Default against Mr. Pardue and Ms. Hurley, in her representative capacity. (Doc. 10.) The Court also takes judicial notice of Mr. Pardue’s guilty plea in Wilkes Superior Court on April 8, 2014, to first degree murder of Ms. Pruitt, so that he is disqualified from receiving insurance benefits under N.C. Gen. Stat. §31A-11. (Doc. 11-1.) The Motion further requests that relief include a declaration that the policy benefits be awarded to Mr. Joines, as administrator of the North Carolina estate, because he is the only remaining

claimant.

Based upon the pleadings, the Affidavits of Carol Dunham and George K. Evans, Jr., and with consent of Mr. Joines, as administrator of the North Carolina estate of Kelly Pruitt, the Court finds that Unum has paid into the Court all amounts due under its group policies issued to Tyson Foods, Inc., providing life and accidental death coverage on the late Kelly Pruitt, totaling \$76,657.98, and has fully satisfied its obligations under the group policies on account of Ms. Pruitt's death.

THEREFORE, IT IS HEREBY ORDERED:

1. Judgment by default is entered against Charlotte Hurley, administrator of the Kentucky estate of Kelly Pruitt, and Jason Pardue, whereby neither shall be entitled to any relief as a result of this action;
2. The Clerk shall pay Unum Life Insurance Company of America the sum of \$3,830.00, through its counsel, including \$3,400.00 in attorneys' fees which the Court finds reasonable, and \$430.00 in costs for filing and service;
3. Plaintiff Unum Life Insurance Company of America is dismissed from this action, **with prejudice**;
4. After payment of the amount set forth in paragraph 2, the Clerk shall pay the remaining funds on deposit to Timothy B. Joines, as administrator of the North Carolina estate of Kelly Pruitt.

Signed: September 23, 2014



Richard L. Voorhees
United States District Judge

